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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,816	10/23/2003	David Andrew Matthews	306210.01/MFCP.139203	5432
45809 7590 05/28/2008 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				
EXAMINER				
SHIH, HAOSHIAN				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
05/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/690,816

**Applicant(s)**

MATTHEWS ET AL.

**Examiner**

HAOSHIAN SHIH

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 30-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-24 and 30-31 are pending in this application and have been examined in response to application filed on 02/05/2007.
2. Application effective date: 10/23/2003
3. The previously applied rejection under USC 112 is hereby withdrawn in view of applicant's amendment.
4. The previously applied rejection under USC 101 is hereby withdrawn in view of applicant's amendment.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-8, 10-16 and 18-24 are rejected under 35 U.S.C. 102(a) as being anticipated by ObjectDock

([http://web.archive.org/web/20030803152245/http://www.stardock.com/video/demo\\_objectdock.wmv](http://web.archive.org/web/20030803152245/http://www.stardock.com/video/demo_objectdock.wmv), http link from wayback machine dated 08/03/2003) hereafter ObjectDock and Gardner et al. (Gardner, US 7,003,734 B1).

7. As to **INDEPENDENT** claim 1, ObjectDock discloses a computer generated graphical user interface for accepting user input commands comprising a first area containing a plurality of menu items (demo, fig.1; a list of menu items displayed graphically are indicated); and

a second area that includes an icon selected from a set of icons based on the location of a pointer relative to the menu items (demo, fig.5, fig.6; the second area overlaps the first area and displays an animated icon that is associated with the menu item);

wherein the graphical user interface is part of an operating system shell (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager.").

ObjectDock does not disclose wherein the first and second area do not overlap.

In the same field of endeavor, Gardner discloses wherein the first and second area do not overlap (fig.3, hot spot "100" and image "120"; col.6, lines 38-40; col.7, lines 11-13;

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the second area containing an icon or an image is located adjacent to the first area or the hot spot).

It would have been obvious to one of ordinary skill in the art, having the teaching of ObjectDock and Gardner before him at the time the invention was made, to modify the menu item selection method in a graphic user interface environment taught by ObjectDock to include pop-up graphics in a graphic user interface environment taught by Gardner with the motivation being to provide additional visually perceivable information associated with the selected menu item (Gardner, col.3, lines 48-51).

8. As to claim 2, ObjectDock discloses a computer generated graphical user interface of claim 1 wherein the first area is a start menu (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager." ObjectDock acts as a program launcher and a task manager, which reads on a start menu).

9. As to claims 3, ObjectDock discloses a computer generated graphical user interface wherein the icon is an animated icon (demo: fig5, fig6; the icon deforms and rocks up and down).

10. As to claim 4, Gardner discloses wherein the animated icon appears as hovering over at least a portion of the second area (fig.3, "120"; col.6, lines 41-43, "animated images" or animated icons).

11. As to claim 5, ObjectDock discloses a computer generated graphical user interface wherein the animated icon is three-dimensional in appearance (demo: fig2; icons appears to be shaded and have length, width and depth.).

12. As to claim 6, ObjectDock discloses a computer generated graphical user interface, wherein the hovering icon comprises a three-dimensional appearing object located in the shell namespace (demo: fig4).

13. As to claim 7, ObjectDock discloses a computer generated graphical user interface wherein the animated icon further appears reflected in the start menu to give a further three-dimensional hovering effect (demo: fig8; by selecting an icon that has a reflection will achieve the same result.).

14. As to claim 8, ObjectDock discloses a computer generated graphical user interface wherein the animated icon appears as rocking from side-to-side (demo: fig5, fig6).

15. As to claim 10, ObjectDock discloses a computer generated graphical user interface wherein the animated icon is contextually related to an item in the start menu over which the pointer is located (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).

16. As to claim 11, ObjectDock discloses a computer generated graphical user interface wherein the contextually related animated icon provides an indication of an action that will occur if the menu item is selected (demo: fig11; upon the selection of a web browser menu item, an icon of a globe animates and launches the browser).

17. As to claim 12, ObjectDock discloses a computer generated graphical user interface wherein the icon is located immediately adjacent to the start menu (demo: fig1, fig2; when the mouse hovers over a menu item on the ObjectDock, an icon appears adjacent to ObjectDock ).

18. As to **INDEPENDENT** claim 13, ObjectDock discloses a method of providing visual feedback in a graphical user interface having a menu comprising a plurality of displayed menu items (demo, fig1), each menu item being associated with an icon different in appearance from the associated menu item (demo, fig.5, fig.6; animated icons are different in appearance), comprising the steps of:

receiving user input that causes a pointer to be located over a menu item (fig.4, a user hovers over a menu item);

in response to the user input, displaying the icon associated with that menu item in a distinct area of the graphical user interface (demo, fig5, fig6; when a user input is detected over a menu item, the screen shows an animated icon that is associated with the menu item in a distinct area which overlaps directly on top of the menu item);

wherein the graphical user interface is part of an operating system shell (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager.").

ObjectDock does not disclose wherein the distinct area does not overlap the menu item.

In the same field of endeavor, Gardner discloses wherein the distinct area does not overlap the menu item. (fig.3, hot spot "100" and image "120"; col.6, lines 38-40; col.7, lines 11-13; the second area containing an icon or an image is located adjacent to the first area or the hot spot).

It would have been obvious to one of ordinary skill in the art, having the teaching of ObjectDock and Gardner before him at the time the invention was made, to modify the menu item selection method in a graphic user interface environment taught by ObjectDock to include pop-up graphics in a graphic user interface environment taught by Gardner with the motivation being to provide additional visually perceivable information associated with the selected menu item (Gardner, col.3, lines 48-51).



19. As to claim 14, see rationale addressed in the rejection of claim 3 above.
20. As to claims 15, ObjectDock discloses the menu is a start menu (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager." ObjectDock acts as a program launcher and a task manager, which reads on a start menu).
21. As to claims 16, ObjectDock discloses the animated icon is contextually related to its associated menu item in the start menu (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).
22. As to claims 18, ObjectDock discloses the animated icon is a predefined object type in the shell namespace (demo: audio narration from time 00:03:12 – 00:03:20 "Object dock will accept any .png or icon files.").
23. As to claim **INDEPENDENT** 19, see rationale addressed in the rejection of claim 13 above.
24. As to claim 20, see rationale addressed in the rejection of claim 3 above.
25. As to claim 21, see rationale addressed in the rejection of claim 15 above.

26. As to claim 22, see rationale addressed in the rejection of claim 16 above.
27. As to claim 24, see rationale addressed in the rejection of claim 18 above.

***Claim Rejections - 35 USC § 103***

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. **Claims 9, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over ObjectDock, Gardner and Rosendahl et al. (Rosendahl, US Patent 5,452,414).**

30. As to claim 9, ObjectDock and Gardner do not disclose the animated icon rotates based on the movement of the pointer.

In the same field of endeavor, Rosendahl discloses the icon rotates based on the movement of the pointer (col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and Gardner and the teaching

of Rosendahl in order to provide additional information associated with the icon (Rosendahl, col.1, lines 60-64).

31. As to **INDEPENDENT** claim 30, ObjectDock discloses one or more computer readable storage media storing executable instructions for providing, as part of an operating system shell, a computer generated graphical user interface for accepting user input commands, said graphical user interface comprising:

- a pointer for selecting menu items and icons (demo: fig1);

- a start menu divided into a plurality of discrete sections (demo: fig1, different menu items are displayed next to each other), at least one of the sections containing only operating system specific menu items (demo: fig1, a "recycle bin" is displayed); and changes its appearance based on the menu item over which the pointer is located,

- an animated three-dimensional appearing icon is displayed in a different discrete section from its corresponding menu item (demo, fig5, fig6; when a user input is detected over a menu item, the screen shows an animated icon that is associated with the menu item in a distinct area which overlaps directly on top of the menu item);

- wherein the appearance of the animated three-dimensional icon is contextually related to the operating system specific function called by selecting the menu item(demo: fig10). ObjectDock does not disclose the animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating and the icons are non-overlapping from the corresponding menu item.

In the same field of endeavor, Gardner discloses the icons are non-overlapping from the corresponding menu item (fig.3, hot spot "100" and image "120"; col.6, lines 38-40; col.7, lines 11-13; the second area containing an icon or an image is located adjacent to the first area or the hot spot).

It would have been obvious to one of ordinary skill in the art, having the teaching of ObjectDock and Gardner before him at the time the invention was made, to modify the menu item selection method in a graphic user interface environment taught by ObjectDock to include pop-up graphics in a graphic user interface environment taught by Gardner with the motivation being to provide additional visually perceivable information associated with the selected menu item (Gardner, col.3, lines 48-51).

ObjectDock and Gardner do not disclose the animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating.

In the same field of endeavor, Rosendahl discloses an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating (col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and Gardner and the teachings

of Rosendahl in order to provide additional information associated with the icon (Rosendahl, col.1, lines 60-64).

32. As to claim 31, Rosendahl discloses the computer generated user interface of the side-to-side movement of the three-dimensional appearing icon is determined in real-time in response to a movement of the pointer (col 4, line 06-15).

**33. Claims 17 and 23 are rejected under 335 U.S.C. 103(a) as being unpatentable over ObjectDock, Gardner and Viellescaze et al. (Viellescaze, US 2004/0179043 A1).**

34. As to claim 17, ObjectDock and Gardner do not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated "agent" can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping

animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and Gardner and the teaching of Viellescaze in order to provide an interactive interface in order to capture/retain user's attention (Viellescaze, [0001]).

35. As to claim 23, see rationale addressed in the rejection of claim 17 above.

### ***Response to Arguments***

36. Applicant's arguments with respect to claims 1, 4, 13, 19 and 30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

/DENNIS-DOON CHOW/

Supervisory Patent Examiner, Art Unit 2173